

On May 15, 1931, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank E. Linet, trading as the Land Drug Co., Cincinnati, Ohio, alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 10, 1930, from the State of Ohio into the State of Louisiana, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: "Land Brand Fluidextract of Ginger U. S. P. \* \* \* Distributed by Land Drug Co., Cincinnati, O."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in that it contained a phenolic compound which is not prescribed in the pharmacopoeia as a constituent of fluidextract of ginger; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement, to wit, "Fluid Extract of Ginger U. S. P.," borne on the bottle label, was false and misleading in that the said statement represented that the article was fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was a product composed in part of a phenolic compound, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle label, falsely and fraudulently represented that it was effective, among other things, as a stimulant in atonic dyspepsia, and diarrhea, and effective as a treatment, remedy, and cure for toothache and rheumatism; whereas it contained no ingredient or combination of ingredients effective as a stimulant in atonic dyspepsia or diarrhea, or effective as a treatment, remedy, or cure for toothache or rheumatism.

On April 15, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19395. Misbranding of Denn's Strong, Safe and Speedy remedy. U. S. v. 5½ Dozen Bottles of Denn's Strong, Safe and Speedy Remedy. Default decree of condemnation and destruction. (F. & D. Nos. 26958, 26959. I. S. Nos. 37094, 37095. S. No. 5148.)**

Examination of a drug product, known as Denn's Strong, Safe and Speedy remedy, from the shipments herein described having shown that the carton and bottle labels and accompanying circulars contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of West Virginia.

On September 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and one-half dozen bottles of Denn's Strong, Safe and Speedy remedy at Huntington, W. Va., alleging that the article had been shipped in part by the Owl Medicine Co., from Columbus, Ohio, on or about April 6 and July 2, 1931, and in part by Denn's Rheumatic Cure Co., from Columbus, Ohio, on or about June 13, 1931, and had been transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug such as cascara sagrada, sodium benzoate (0.07 per cent), sugar, alcohol, and water.

It was alleged in the libel that the article in all consignments was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Portion of product shipped by Owl Medicine Co., carton) "Safe and Speedy regulator for Liver, Kidney, Stomach and Blood Impurities \* \* \* When Using Denn's Blood Cleanser \* \* \* The dis-

coverer was taken off a pair crutches in three days, after ten years suffering, by taking a few bottles. Doctors say our Remedy cures too Quick to make any money. No matter, we help quick and start the patient telling the good news to their friends. Always a Blood Tonic and Purifier Fully Guaranteed. \* \* \* We have seen strong men lying on their beds, suffering with pain and despairing of all hope because of the lingering misery in which they have been kept by those awful complaints and yet we have with this Wonderful Discovery gone to such men as we describe and in 24 hours taken them off their beds and in a little longer time put them at the bench, in the mine, at the counter or following their regular business in usual health. This remedy acts on the Liver, removing all Headaches and Dullness, heavy and ugly feeling caused by a torpid liver and disordered kidneys. In setting these two organs right we remove Rheumatism, Headache, Dyspepsia, Constipation, Lame Back. It carries off the impurities of the Blood, Liver, Kidneys and Stomach, so that the patient feels fine in a few days so that he or she is on the right road again to health and happiness; in fact it cannot be excelled as a general System Renovator and Tonic to all the Vital energies of the Physical Structure;" (bottle label) "Strong, Safe and Speedy Liver, Kidney & Rheumatism Remedy;" (circular) "Rheumatism any Kind Helped. Also Stomach, Liver and Kidney Troubles and Nervousness A Call to Our Citizens Helps \* \* \* And Kidney Trouble Makes Rich Pure Blood \* \* \* 'Will say for the Remedy that it has done more for me to remove Rheumatism than anything I ever tried and is just as effective in bladder trouble as well. \* \* \* My friends and neighbors are astonished and doctors dumbfounded at me being cured so quickly of Rheumatism, Stomach and Kidney Trouble, when my case resisted our best doctors. I was cured by using 2 bottles of Denn's Sure, Safe and Speedy cure. \* \* \* Denn's Rheumatic Remedy is much talked of in many homes in Ohio for helping many sufferers with Stomach, Liver, Kidney and old Rheumatism troubles and we join the number.' \* \* \* 'I have been a sufferer with Rheumatism, Liver and Kidney Troubles for twelve years I treated with many doctors took all Patent Medicines I knew or heard of. No relief whatever, until I heard of Denn's Rheumatic Cure, and took a few bottles, I am completely well now and I sell the Remedy to all the farmers and neighbors with positive results.' \* \* \* Charles Munter, a sufferer with Rheumatism in his feet, shooting pains all over his body, also with dyspepsia, so that he could not attend to his work, sleep, eat nor rest easy in any position. He was absolutely cured with a few bottles of Denn's S. S. S. Cure;" (portion of product shipped by Denn's Rheumatic Cure Co., carton) "Strong, Safe & Speedy Stomach, Liver, Kidney and Rheumatism Remedy \* \* \* will perhaps save you a big doctor bill and often an undertaker's bill, too. When you find how it helps tell the other fellow. He will be glad to know a good remedy for rheumatism. \* \* \* Dose— \* \* \* works on Bowels, Liver and Kidneys, removing constipation, etc. This remedy has given good satisfaction to thousands of sufferers with Rheumatism, Kidney, Stomach, Dyspepsia, Sour and Bloating Stomach, which cause nervous troubles, headache, etc. Our Discoverer was a miserable sufferer with Sciatic Rheumatism for twelve years. Treated with good physicians without any lasting results. During the time he cramped, had poor circulation, very bad kidneys, high colored urine, very much constipated, in fact scarcely a good night's rest for years. Now he is 69 years old and is lively on foot and around the office as young men 25 years old. We recommend this remedy for what it has done for our many patrons and also our personal knowledge in own case for 18 years fighting my many old troubles. \* \* \* All we claim for this remedy is true as we believe;" (bottle label) "Safe and Speedy Liver, Kidney and Rheumatism Remedy;" (circular) "Rheumatism! any Kind Helped. Also Stomach, Liver and Kidney Troubles and Nervousness Makes Rich Pure Blood Helps \* \* \* Kidney Trouble \* \* \* 'It affords me great pleasure to say that you cured Mrs. Armstrong's Rheumatism, about six years ago, when the efforts of the best doctors in Verona and Pittsburg failed to cure her. Mrs. Hill, of Verona, recommended at that time that she had been cured of Sciatic rheumatism and Mrs. Armstrong was entirely cured by using your remedy, Sure, Safe and Speedy Cure. \* \* \* Any one can take it, as it cures Liver, Kidney and Stomach diseases, also, and I consider it as well as many others in Okmont and Verona, as one of the best medicines on the market for Rheumatism of any kind.' \* \* \* 'Don't fool any longer with Doctors or Remedies that don't help at once. Thousands are helped and cured with Denn's Sure Safe & Speedy Cure, when all other means failed in Stomach, Liver, Kidney and

all kinds of Rheumatism. Denn's Remedy cured me.' \* \* \* 'I purchased a bottle of your Stomach, Liver, Kidney and Rheumatism Remedy from your agent at Pineville, Ky. for one man here that was down with Rheumatism, could not walk one step, and he is now walking about. \* \* \* I was a miserable incurable, it appeared, for years, with stomach, liver and some slight difficulty with kidney trouble. Treated by physicians, used all patent medicines I heard or knew of. No relief. But suffered a continual sinking and falling off in flesh until I was treated with Denn's Sure, Safe and Speedy (S. S. S.) Cure. It made a big improvement at once. Cured me right up.' \* \* \* Safe & Speedy Remedy for Rheumatism Any Kind helped quickly. Also stomach, liver and kidney troubles, \* \* \* [Sketch showing bedridden invalid]."

On March 25, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19396. Misbranding of Allen's rheumatic treatment. U. S. v. 72 Packages, et al., of Allen's Rheumatic Treatment. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 27723, 27775. I. S. Nos. 12666, 12682. S. Nos. 5794, 5852.)

Examination of the drug product Allen's rheumatic treatment showed that the carton label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article consisted of two differently colored tablets, each of one kind containing 5 grains of acetanilid. The declaration of acetanilid was not made in manner required by law and the amount in each tablet was not declared, the declaration on the label being the total amount contained in all the tablets in the package, and the drug being described as phenylacetamide, a name sometimes used for acetanilid.

On February 8 and February 26, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 132 packages of the said Allen's rheumatic treatment, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Hart M. Allen Laboratories, from Los Angeles, Calif., in part on or about October 21, 1931, and in part on or about December 12, 1931, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of two kinds of tablets. The white tablets contained acetanilid (5 grains each), caffeine, and sodium bicarbonate. The blue tablets contained acetylsalicylic acid (7.2 grains each).

It was alleged in the libels that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, in that the substance, acetanilid, was not declared by the name by which it is designated in the law, and the label on the packages failed to declare which of the tablets contained acetanilid and the quantity or proportion in each tablet. Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Treatment \* \* \* A most excellent treatment for the quick relief of Neuritis, Lumbago, Gout. \* \* \* Directions Adults—Take two tablets (one of each color) every three hours until pain is relieved, then take two tablets three times a day as long as necessary. \* \* \* gives quick relief from Rheumatism of all kinds, such as Sciatic, Articular, Muscular, Inflammatory;" (circular) "Rheumatic Treatment \* \* \* Rheumatic Treatment \* \* \* a remedy that has no superior in the treatment of Rheumatism in all its forms, including Sciatic, Muscular, Inflammatory, and Articular, \* \* \* a remedy for the quick relief of Lumbago, Gout, Neuritis, \* \* \* remarkably effective in Neuritis. \* \* \* for quick and effective results Allen's Rheumatic Treatment \* \* \* Rheumatic Treatment not only gives quick relief from pains and aches, But it is intended to give complete relief—to break up the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout \* \* \*